

DECLARATION OF TOBY L. PLEVIN

I, Toby L. Plevin, declare as follows:

1. I am attorney of record for Gerald Armstrong in the case captioned Church of Scientology of California et. al. v. Gerald Armstrong L.A.S.C. Case No. 420153.

2. In November 1988 I represented Bent Corydon in a motion to unseal the court file in this case. Mr. Corydon and I, along with other counsel then representing Mr. Corydon, were given access to the file by this court's order. As a result of that access I reviewed the file in some detail.

3. Among other things I noted about the file, I observed that, although the Order Dismissing Action recited that the Mutual Release and Settlement Agreement between Mr. Armstrong and the Scientology organization was to have been filed on or about December 11, 1991, it had not been filed at all. There were two minute orders of the court which also stated that the document had not been filed. As a result, in February 1989, I filed a motion for an order directing that the Scientology organization file the document. Their opposition to that motion is attached hereto as Exhibit A.

4. I have reviewed the file in this matter extensively and am familiar with the proceedings therein. The original complaint in this action was the complaint of the Church of Scientology of California against Gerald Armstrong. Subsequently, Mr. Armstrong filed a cross-complaint. The complaint and cross-complaint were bifurcated and the trial in 1984 was a trial only of those matters raised in the complaint. Although the Church of Scientology parties immediately appealed Judge Breckenridge's

1 ruling in favor of Mr. Armstrong, the appeal thereon was
2 dismissed as premature given that the cross-complaint was still
3 pending. On July 29, 1991, the Second District Court of Appeal
4 affirmed Judge Breckenridge's decision in favor of Mr. Armstrong.

5 5. Attached hereto as Exhibit A is a true copy of the
6 decision of the California Supreme Court denying the petition for
7 certiorari filed by the Church of Scientology parties in this
8 action.

9 I swear under penalty of perjury under the laws of the State
10 of California that the foregoing is true, this 16th day of
11 December 1991.



Toby L. Plevin

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10-21-91

Second Appellate District, Division Three, No. B025920/B038975
S022840

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Appellant

v.

GERALD ARMSTRONG, Respondent

And Companion Case

SUPREME COURT
FILED

OCT 17 1991

Robert Wandruif Clark

DEPUTY

Petition for review DENIED.

LUCAS

Chief Justice